

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION


BRIAN BLANDING,	)	C.A. NO.: 3:09-cv-758-JFA
	)	
Plaintiff,	)	
	)	
-versus-	)	
	)	
FKI LOGISTEX, INC. and W & H	)	
SYSTEMS, INC.,	)	
	)	<b>ORDER</b>
Defendants.	)	
	)	
<hr/>	)	
FKI LOGISTEX, INC.,	)	
	)	
Third Party Plaintiff,	)	
	)	
-versus-	)	
	)	
RIPLEY METALWORKS, LTD.,	)	
	)	
Third Party Defendant.	)	
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The Third Party Defendant, Ripley Metalworks, Ltd., moved to dismiss the first and second causes of action presented in the Third Party Complaint pursuant to Rule 12(b)(6), arguing that FKI Logistex, Inc.’s claims were really claims of equitable indemnity. South Carolina National Bank v. Stone, 749 F. Supp. 1419, 1433 (D.S.C. 1990) (J. Anderson) (“a rose by any other name is still a rose and that regardless of the title given to the claims” the claims asserted remained claims of indemnity and contribution). The matter was scheduled to be heard by the Court on February 14, 2011.

FKI initially opposed this motion but has since consented. The Court has considered the Motion and hereby **GRANTS** the motion. Accordingly, the first and second causes of action presented against Ripley are hereby dismissed and ended with prejudice. FKI's third cause of action for equitable indemnity remains.

IT IS SO ORDERED.

February 11, 2011  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge

WE CONSENT:

s/William M. O'Neil  
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**ATTORNEYS FOR FKI LOGISTEX, INC.**

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